

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILLIE MALONE et al.,

Plaintiffs,

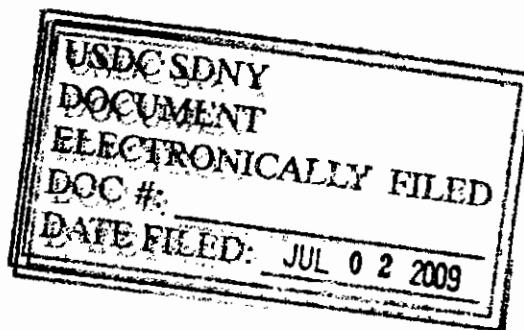
No. 07 Civ. 9583 (LTS)(GWG)

-against-

NEW YORK PRESSMAN'S UNION
NO. 2 et al.,

Defendants.

LAURA TAYLOR SWAIN, DISTRICT JUDGE:



ORDER

On May 6, 2009, the Court issued an order (the "May 6, 2009 Order") requiring, *inter alia*, that "if Frank & Associates continues to represent any plaintiffs in this action, Frank & Associates must file a certificate on or before June 15, 2009, identifying the plaintiffs it is representing in this action and accompanied by an affidavit of each client plaintiff attesting to that client's continued desire to prosecute this case and be represented by Frank & Associates;" and further ordering that "Frank & Associates must serve a copy of this Order on each of its current clients in this case and file a certificate attesting to service of this Order on or before May 15, 2009." (Docket entry no. 64.) On June 3, 2009, Frank & Associates filed a certificate of service attesting to its mailing of the May 6, 2009, Order to the last known address of its three remaining client plaintiffs – Willie Malone, Jerome Watson and Robert Abreu – on May 21, 2009. (Docket entry no. 79.) On June 9, 2009, Frank & Associates represented to the Court that it had not received a response from either Malone, Watson or Abreu. Accordingly, it moved to withdraw as their counsel in this case. (Docket entry no. 86.) The Court granted the motion and required Frank & Associates to serve the

order granting the motion on Malone, Watson and Abreu. (Docket entry no. 87.)

On June 30, 2009, Frank & Associates informed the Court by letter that, in spite of his alleged previous failure to respond to Frank & Associates' query, Malone has now told Frank & Associates that he wishes to continue to pursue his claims in this case and he would like Frank & Associates to represent him. The letter from Frank & Associates, however, did not include any affidavit from Malone manifesting that intention.

In light of Frank & Associates' failure to comply with the terms of the May 6, 2009, Order, including the requirement to serve the order on its clients by May 15, 2009, and to include an affidavit from any client that wishes to be represented in this matter by Frank & Associates, it is hereby

ORDERED, that Frank & Associates' request to represent plaintiff Malone, or to represent any plaintiff in this case, is denied, and the motion filed by Frank & Associates on Malone's behalf (docket entry no. 95) is terminated without prejudice; and it is further

ORDERED, in light of the timing and manner of the communication and representations made to plaintiffs Malone, Watson and Abreu, as well as the denial of Frank & Associates' request to be reinstated, that Malone, Watson and Abreu are granted an enlargement of time until **July 30, 2009**, to appear by new counsel other than Frank & Associates or to appear *pro se* (that is, without representation by counsel), and any plaintiff that elects to proceed *pro se* shall contact the Pro Se Office of the Court promptly for instructions as to how to file a notice of appearance *pro se*; and it is further

ORDERED, that if either Malone, Watson or Abreu fail to appear in this action on or before July 30, 2009, the claims in this litigation of the person(s) who fail to appear as required by this Order will be dismissed as against them without prejudice for failure to prosecute, pursuant

to Rule 41 of the Federal Rules of Civil Procedure; and it is further

ORDERED, that in light of this Order, the motion to amend the complaint submitted by attorney Roosevelt Seymour on behalf of plaintiffs Desiree Wilson, Eva Lee, Olivia Wilson, Sherre Wilson, Angel Hernandez, Nytricia Smith and Daniel Paulino (docket entry no. 91) is terminated without prejudice, and may be renewed any time after the July 30, 2009, deadline for Malone, Watson and Abreu to appear in the action but no later than **September 1, 2009**; and it is further

ORDERED, that a conference in this matter shall be held in the Courtroom of the undersigned on **Friday, September 25, 2009, at 4:00 p.m.**

This order resolves docket entry nos. 91 and 95.

The parties and their counsel are reminded that all motion practice and requests for court action in this case must comply with the Individual Practice Rules of the undersigned, including Rule 2B.

The Clerk of Court is directed to file this Order on ECF. Copies of this Order have been mailed to plaintiffs Malone, Watson and Abreu at the following addresses:

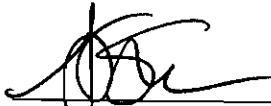
Willie Malone
147-B Villas Court
West Columbia, South Carolina 29170

Jerome Watson
329 N. Little Tor Road
New City, New York 10956

Robert Abreu
735 N. 29th Street
Allentown, Pennsylvania 18104

SO ORDERED.

Date: New York, New York
July 2, 2009



LAURA TAYLOR SWAIN
United States District Judge